

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (1/26/2016 - 1/28/2016 Session)

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updated 1/25/16

15-0002	Briefs	POST-CONVICTION: Whether district court erred in denying Rule 60(b) motion in habeas corpus challenge to state capital conviction in light of recent Supreme Court decisions.
Errol Moses v. Carlton Joyner (Schroeder)		

15-1589	Briefs	CIVIL RIGHTS: Whether district court erred in granting motion to dismiss in section 1983 action based on qualified immunity.
Gordon Goines v. Valley Community (Dillon)		

15-1393	Briefs	MEDICARE: Whether plaintiff hospital system adequately plead a claim under the Mandamus Act; other issues.
Cumberland Cnty Hospital v. Sylvia Burwell (Britt)		

PANEL I
Red Courtroom (Room 412)
2:30 p.m.
Tuesday, January 26, 2016

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15-1353	Briefs	CIVIL RIGHTS: Whether deputy and sheriff are entitled to qualified immunity defense in section 1983 suit alleging excessive force and lack of adequate training; other issues.
Raina Connor v. Tavares Thompson (Howard)		

15-1203	Briefs	LABOR: Whether agency's regional director acted without authority in approving election agreement, overruling objections, and certifying bargaining unit; whether respondents properly preserved claims; other issues.
NLRB v. Bluefield Hospital		

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14-2250	Briefs	IMMIGRATION: Whether agency properly pretermitted application for adjustment of status and attendant waiver upon finding that asylum application was frivolous.
Henri Ndibu v. Loretta Lynch		

14-2308	Briefs	LABOR: Propriety of district court's conclusion that certain employees of the Fire Department are exempt employees under the Fair Labor Standards Act.
Gerard Morrison v. County of Fairfax, VA (Hilton)		

14-7791	Briefs	CIVIL RIGHTS: Whether district court erred granting summary judgment to police officer on excessive force claim based on qualified immunity.
Christopher Maney v. Terence Garrison (Beaty)		

PANEL I
Red Courtroom (Room 412)
9:30 a.m.
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15-2056	Briefs	CONSTITUTIONAL LAW: Did policy limiting use of restrooms to students of corresponding "biological gender" violate rights of transgender student.
G. G. v. Gloucester County School Board (Doumar)		

15-1035	Briefs	EMPLOYMENT: Whether plaintiff in FRSA action proved that his employer knew that he engaged in protected activity.
William Conrad v. CSX Transportation, Inc. (Nickerson)		

15-1091	Briefs	CONTRACT: Issues relating to default notice and proof of harm in foreclosure action.
Balwinder Whala v. PNC Bank (Cacheris)		

PANEL II
Butzner Courtroom 201
9:30 a.m.
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15-1009	Briefs	IMMIGRATION: Whether alien's conviction under 18 U.S.C. section 659 constituted an aggravated felony theft offense that rendered him ineligible for cancellation of removal.
Francisco Mena v. Loretta Lynch		

14-2032	Briefs	LABOR: Whether jurisdiction exists to review labor arbitration award; if so, whether arbitrator's award violates the National Labor Relations Act.
Peabody Holding Company v. United Mine (Brinkema)		

15-1591	Briefs	CONSTITUTIONAL LAW: Whether the legislative prayers offered by the county commissioners offend the Establishment Clause of the First Amendment.
Nancy Lund v. Rowan County, North (Beaty)		

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14-1428 [Briefs](#) CIVIL: Cross-appeals challenging fact and amount of attorneys fee award and guardian ad litem fee award.
Sue Doe v. Linda Kidd
(Seymour)
Associations: 14-1429, 15-1022, 15-1024, 15-1026

15-0206 [Briefs](#) POST-CONVICTION: Whether new claim of ineffective assistance of counsel alleging counsel's failure to disclose
In Re: John McFadden plea offer to defendant satisfies 28 U.S.C. section 2244(b)(2) standard.

PANEL IV
Gold Courtroom (Room 348)
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15-1446	Briefs	PROPERTY RIGHTS: Enforceability of "yard clause" in 1849 deed; whether mineral estate was conveyed in its entirety; whether deed limits quarrying techniques.
Justin Thomas v. Carmeuse Lime & Stone (Conrad)		
Associations: 15-1447		

14-2366	Briefs	CONTRACT: Whether compensation provisions in employment contracts are unambiguous; FLSA; applicability of Kuwaiti law.
George Rishell v. Computer Sciences (Hilton)		
Associations: 14-2376		

14-7438	Briefs	POST-CONVICTION: Whether district court erred in denying relief on claims of ineffective assistance of counsel.
Charles Richey v. Leroy Cartledge (Lewis)		

PANEL V
Tweed Courtroom (Room 414-D)
9:30 a.m.
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15-1559 [Briefs](#)
St. Paul Mercury Ins Co v. American Bank
(Titus)

INSURANCE LAW: Issues relating to coverage, notice, duty to defend, and alleged bad faith.

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1:00 p.m.
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15-1011	Briefs	EMPLOYMENT: Whether a genuine dispute of material fact exists that the employer's legitimate, nonretaliatory reason was a pretext for retaliation.
Vincent Mercer v. PHH Corporation (Quarles)		

15-6382	Briefs	CIVIL: Whether district court properly granted motion to dismiss King's 42 U.S.C. section 1983 action alleging compelled consent to surgery to remove contraband.
Adrian King, Jr. v. Jim Rubenstein (Groh)		

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15-1474	Briefs	DISABILITY DISCRIMINATION: Was summary judgment proper on claims that Board's bullying policies violated ADA Rehabilitation Act; other issues.
SB v. Board of Education of Harford (Motz)		

15-1555	Briefs	CIVIL RIGHTS: Whether police official is entitled to qualified immunity defense in section 1983 suit alleging excessive force during traffic stop.
Brian Yates v. Christopher Terry (Houck)		

15-2161	Briefs	CIVIL: Whether prevailing plaintiff in malpractice case can recover for past or future medical expenses that she has no legal liability to pay.
Misty Simms v. US (Chambers)		

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15-1618 [Briefs](#)
Jeremy A. Powell v. The Huntington
(Johnston)

BANKING: Whether plaintiffs' state law claims are preempted by the National Bank Act, 12 U.S.C. sections 85 and 86

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15-4029	Briefs	CRIMINAL: Whether district court erred in denying motion to suppress, rejecting Batson challenge, and instructing jury on constructive possession.
US v. Mario Taylor (Cogburn)		

14-7691	Briefs	CIVIL COMMITMENT: Whether Certification of a Sexually Dangerous Person was timely; retroactive applicability of Adam Walsh Act.
Thomas Matherly v. Justin Andrews (Dever)		

15-1005	Briefs	IMMIGRATION: Whether agency erred in concluding that petitioner's D.C. conviction was an aggravated felony defined in 8 U.S.C. section 1101(a)(43)(B).
Jose Carcamo v. Loretta Lynch		

15-1392	Briefs	CIVIL: Whether loan modification agreement containing arbitration agreement was formed where payments were lowered but several discrepancies existed.
Jacqueline Galloway v. Santander (Blake)		

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14-4920 [Briefs](#)
US v. Tineka McLaughlin
(Fox)

CRIMINAL: Whether appellate waiver bars challenge to determination of Sentencing Guidelines range where district court imposed sentence above applicable range; other issues.

15-4300 [Briefs](#)
US v. Kevin Hall
(Gibney)

CRIMINAL LAW: Does district court have jurisdiction under Rule 35(a) to resentence defendant within 14 days based on forged letter; other issues.

15-4319 [Briefs](#)
US v. Zachary Foster
(Bailey)

CRIMINAL: Whether the district court properly denied motion to suppress, finding defendant's reach into pocket amounted to reasonable suspicion.

14-4357 [Briefs](#)
US v. Daniel McIntosh

CRIMINAL: Admission of Fed. R. Crim. P. 404(b) evidence; Sixth Amendment right to prepare a defense; sufficiency of the evidence; forfeiture; other issues.

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14-2168	Briefs	EMPLOYMENT: Whether district court erred in granting summary judgment to employer on Title VII and South Carolina civil conspiracy claims.
David Christian, III v. South Carolina Dept (Wooten)		

15-0276	Briefs	POST-CONVICTION: Whether Johnson v. United States established a new rule of constitutional law retroactively applicable to cases on collateral review.
In re: Creadell Hubbard		

15-6589	Briefs	CRIMINAL: Whether firearm possession violates 18 U.S.C. section 922(g)(1), 924(e), where defendant's restored right to possess firearms was revoked by statutory amendment; other issues.
US v. Arnold Burleson (Eagles)		

15-6134	Briefs	POST-CONVICTION: Whether district court intended to impose federal sentence to be served consecutive to state sentence; other issues.
Anthony Mangum v. S. Hallembaek (Flanagan)		

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15-1211 [Briefs](#)
Jane Doe #1 v. Matt Blair
(Berger)

CIVIL: Whether this court has jurisdiction; whether district court had authority to sua sponte remand to state court.

14-4758 [Briefs](#)
US v. Shane Hare
(Chasanow)

CRIMINAL: Whether district court properly denied discovery relating to selective prosecution claim.

Associations: 14-4770, 14-4832

15-4276 [Briefs](#)
US v. Gary Dale Spurlock
(Johnston)

CRIMINAL: Whether temporary seizure of appellant's firearm pursuant to West Virginia domestic violence law violated Fourth Amendment; other issues.

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15-4235 [Briefs](#)
US v. Edgar Bello Murillo
(Lee)

CRIMINAL LAW: Whether prosecution of defendant under 18 U.S.C. sections 1116(a) and 1201(a) and (c) violates the Fifth Amendment; appeal waiver issue.

15-6109 [Briefs](#)
Douglas Fauconier v. Harold Clarke
(Ellis)

CIVIL: Whether state prisoner denied participation in work programs based on medical classification stated claims under ADA or Fourteenth Amendment.

15-4316 [Briefs](#)
US v. Xayver Warner
(Conrad)

CRIMINAL LAW: Did the government breach plea agreement; is the sentence procedurally unreasonable; is enhancement of sentence error in light of Johnson v. United States.

14-2416 [Briefs](#)
Christine Pace v. Air & Liquid Systems Corp.

TORT: Whether this court has jurisdiction; whether district court erred in granting summary judgment to defendants on asbestos products liability claims.

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